

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DAVALIN DEVELL MELTON, SR.

PLAINTIFF

v.

CIVIL ACTION NO.: 4:21-cv-95-GHD-JMV

UNITED STATES OF AMERICA

DEFENDANT

ORDER STAYING CERTAIN PROCEEDINGS

Local Uniform Civil Rule 16(b)(3)(B) provides that “a motion asserting. . . a jurisdictional defense... stays the attorney conference and disclosure requirements and all discovery, pending the court’s ruling on the motion, including any appeal. Whether to permit discovery on issues related to a motion... [is a decision] committed to the discretion of the court, upon a motion by any party seeking relief.” L.U. Civ. R. 16(b)(3)(B).

The Defendants have filed a motion to dismiss based on lack of jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1) and/or for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6). [14, 15]. Accordingly, staying discovery in this case is appropriate at this time.

IT IS, THEREFORE, ORDERED that the aforementioned proceedings are hereby **STAYED** pending a ruling on the motion to dismiss. Defendants shall notify the undersigned magistrate judge within seven (7) days of a decision on the motion to dismiss and shall submit a proposed order lifting the stay.

SO ORDERED this, February 15, 2022.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE